IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6560 of 1993

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DILIPSINH RAMUBHA PARMAR - Petitioner(s)

Versus

S'NAGAR JT MUNICIPALITY & 1 - Respondent(s)

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Appearance :

MR AR SHAIKH for Petitioner(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 28/11/2005

ORAL JUDGMENT

1. Though rule is served unfortunately nobody appears for respondent no.1.

2. In the present petition, the petitioner has challenged a communication dated 2nd May, 1993 by which the respondent no.1 conveyed to the petitioner its inclination to approve the building plans submitted by the petitioner. Two objections were indicated in the communication. It is stated that the building plan PR card is not produced. Secondly, it is stated that sufficient margin is not left open on the sides and the stair-case is not indicated to be of 0.90mtrs. of width. Thirdly, it is stated that Jorawarnagar is not forming of Gamtal area as per the development plan.

3. Learned advocate Shri Shaikh for the petitioner submitted that first two objections can be over come by proper modifications, if necessary. However regarding the third objection of the land in question not forming the land of Gamtal land, the petitioner seeks to place reliance on the area of City Survey Superintendent, Surrendranagar. This order however is not produced before this Court or was also not before the authorities. It would, therefore, be proper to permit the petitioner to produce full material before the respondent no.1. For the above purpose impugned communication dated 2nd May, 1993 is quashed. It will be open for the petitioner to

submit fresh building plans with full material, particulars in support thereof. If such plans are submitted, the same shall be considered in accordance with law. Rule is made absolute to the above extent. No order as to costs.

(Akil Kureshi, J.)

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